



TOWN COUNCIL of Town of Randolph Rules Manual

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TOWN OF RANDOLPH MASSACHUSETTS

Town Council of Town of Randolph Rules Manual

OVERVIEW AND INTRODUCTION

SECTION 1: PURPOSE

The Town Council of the Town of Randolph, recognizing the need to codify the traditional and accepted working relationships among members of the Council, between the Council and the Town Manager, and between the Council and other committees, officials, and residents, as well as the need to consolidate Town policies and procedures, have undertaken to create operating procedures for the Town Council. Acceptance of the policies and procedures embodied herein shall supersede all previous policies and procedures accepted by past Councils. Unless otherwise noted, the term "Council" shall refer to the Randolph Town Council. The term "MGL" shall refer to the Massachusetts General Laws, as amended.

SECTION 2: NATURE OF POLICIES AND PROCEDURES

These policies and procedures shall address certain topics that cannot be dealt with elsewhere. Its content should be considered supplemental and subordinate to language embodied in state statute and Town By-law. Subjects which are more appropriately addressed in statute, by-law or regulation shall not be included in this format, except in reference. The individual policies and procedures embodied herein are severable. If any of the herein defined policies and procedures are held to be unconstitutional or invalid, the remaining policies and procedures shall not be affected thereby and shall remain in full force.

SECTION 3: PROCEDURE FOR ESTABLISHING POLICIES AND PROCEDURES

A policy may be initiated by a member of the Council or the Town Manager by requesting that the President provide for discussion of the proposed policy in the agenda of a regular meeting of the Council. The individual initiating the discussion shall provide the Council with a written draft of the proposed policy for distribution to the Town Council. The Council may schedule any hearing or meetings it deems necessary for discussion. The Council may distribute a draft for comment to appropriate officials as it deems necessary, and shall notify of the discussion any Town Councils, committees, or employees who may be affected by the policy.

Unless otherwise voted by the Council, the Council shall not vote on a policy at the same meeting at which it is first introduced. A vote by five (5) of the Council's nine (9) members shall be required for the adoption of a new or amended Council policy. A new or revised policy adopted by the Council shall take effect immediately, and shall be carried out until it is rescinded or amended.

The Clerk of the Council shall be responsible for the maintenance of all policies and procedures, for updating the Procedures Manual of the Town Council with new and amended policies, and for ensuring that copies of the Council's policies and procedures are distributed to newly elected Council members. Copies of the Procedures Manual of the Town Council shall be made available to the public at the Office of the Town Clerk.

RULES GOVERNING MEETINGS

SECTION 4: PARLIAMENTARY PROCEDURE

The Council shall be governed by Robert's Rules of Order Revised in all questions of parliamentary practice not provided for by special rules or orders.

SECTION 5: COUNCIL MEETINGS

Regular meetings of the Council shall be held on the second and fourth Monday of each month, excluding Holidays for which the President will designate appropriate changes at the 1st regular meeting in January, or as otherwise voted by the Council.

Executive session may be entered only after the Council has first convened in open session for which notice has been appropriately posted. The presiding officer cites the reason for going into executive session and calls for a roll call vote of the Council. The vote of each member is entered into the minutes, with a majority necessary to initiate an executive session.

SECTION 6: QUORUM

A quorum of the Town Council shall consist of five (5) of its members. If at any time a meeting is called to order, or, if during a meeting a roll call shows less than a quorum present, the President shall declare a recess of not more than ten (10) minutes, after which time, if a quorum is not present, the meeting shall be adjourned. Any member may call for a roll call on the question of the presence of a quorum.

SECTION 7: PUBLIC POSTINGS

The Clerk of the Council shall deliver notice of meetings to the Town Clerk's office. By law, public notices of all Council meetings, except in emergencies, must be posted with the Town Clerk a minimum of forty-eight (48) hours before any meeting excluding weekends and holiday. The Town Clerk will insure that the notice is posted on the official Town Hall bulletin board and the Town's official website. Meeting notice forms emanate from the Town Clerk's office and will include the name of the committee and the date, time, and place of the meeting.

SECTION 8: MINUTES

A written record of each Council meeting is required by law and becomes part of the public record. Minutes must contain the date, time and place of the meeting, members present or absent, the names of the makers and seconds of all motions, all formal votes of the Council, and a reasonable summary of discussion. Minutes must be formally accepted by the Council. Minutes of all Council meetings must be placed on file in the office of the Town Clerk where they will be available for public inspection upon request. Minutes for executive sessions shall be made available based on MGL.

COUNCIL OFFICERS

SECTION 9: ORGANIZATION OF THE BOARD AND ELECTION OF OFFICERS

On the first day of January following the election which does not fall on a weekend or a holiday, the Council members elected in the previous Town election shall be sworn in at an Inauguration Ceremony (generally, in even-numbered years). The Inauguration Ceremony shall be an official meeting of the Town Council, the School Committee and the Stetson Trustees, and shall be noticed as such. The Councilor who was President of the Council at the time of the previous Town election shall cause to take place a suitable ceremony for the swearing in of newly elected officers and the proper dignified transfer of office from the outgoing Town Councilors, School Committee Members and Stetson Trustees to the incoming officers.

The Councilors-Elect, School Committee Members-Elect and Stetson Trustees-Elect shall be sworn to the faithful discharge of their duties. The Oath may be administered by the Town Clerk, or by a Judge of a court of record, or by a Justice of the Peace. A certificate that said oath or oaths have been taken shall be entered in the Journal of the Town Council.

After the Oaths have been administered to the Councilors present, the Town Council shall organize by electing from among its members a person to serve as President and a person to serve as Vice President. The Council-member senior in years of government service shall preside over the election of the Council President. Once the Council President is elected, the Council-member presiding shall cause the "Gavel of Authority of the Council" to be transferred to the President-Elect. The Council President shall then call for a vote for the Vice President. The President and Vice President shall be sworn to such service by the Town Clerk or other authorized official.

The Council President shall indicate whether the President will serve as the Council's Representative to the School Committee. If the President will not serve in that capacity, the President shall appoint another Councilor to serve as the Council's Representative to the School Committee. The President will call for and must have that appointment ratified by a majority of the Town Council present. The Councilor who is appointed shall, if he or she accepts the appointment, be sworn into such service on the School Committee by the Town Clerk or other authorized official.

The Council President shall then call upon the School Committee to elect a Chair and Vice Chair of the School Committee.

The Council President shall then call upon the Stetson Trustees to elect a Chair, a Vice Chair and Clerk.

In years where no Town Council seat is up for election on the Town ballot, the first Town Council meeting in the month of January following such Town Election shall be a regular meeting of the Town Council. That meeting shall include the election and appointment of Town Council officers as described above.

SECTION 10: THE PRESIDENT -- POWERS AND DUTIES

The President shall at the hour appointed for the meeting call the meeting to order. In the absence of the President, the vice-President shall preside; in the absence of both, the member present senior in continuous years of service shall call the meeting to order and preside until a President pro tempore shall be chosen. The presiding officer may call any member to the chair.

The President shall serve as ex-officio member of all Council Committees. The President may also be designated by the Council to be its representative to all boards and commissions. The President may delegate that responsibility in whole or in part to any member or members of the Council, subject to the approval of the Council. The President of the Randolph Town Council shall be the official head of the

Town of Randolph for all ceremonial purposes, and may designate other Councilors to serve in this ceremonial capacity.

SECTION 11: PRESERVATION OF DECORUM AND ORDER AND APPEALS FROM DECISION OF THE PRESIDENT

The President shall preserve decorum and order, may speak to points of order in preference to other members, shall decide all questions of order, subject to an appeal to the Council, regularly seconded, and no other business shall be in order until the question on the appeal shall have been decided. The question shall be put as follows: "Shall the decision of the President stand as the judgment of the Council?" The vote shall be by roll call, and it shall be decided in the affirmative unless a majority of the Councilors present and voting vote to the contrary.

MEETING FORMAT/REQUIREMENTS

SECTION 12: CALLING MEETINGS TO ORDER

The President shall call the Council to order at the time appointed for the meeting or to which it may have adjourned, if a quorum be present, which shall be determined by calling the roll. The names of members not present at the meeting shall be recorded by the Clerk of the Council.

SECTION 13: ORDER OF BUSINESS AND AGENDA

At every meeting of the Council the standard order of business shall be as follows:

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Moment of Silent Prayer
- E. Approval of Minutes
- F. Announcements from the President
- G. Public Comments/Discussions
- H. Proclamations
- I. Appointments
- J. Motions, orders and resolutions
- K. Town Manager's Report
- L. Old Business/Unfinished Business
- M. New Business
- N. Subcommittee Reports
- O. Correspondence
- P. Open Council Comments
- Q. Executive Session
- R. Adjourn

Only privileged motions (to adjourn; to recess; personal privilege; or orders of the day) shall be made during "Council Comments".

Requests to include a matter on a future agenda may be made during "New Business". If a "simple majority as required by charter" of the Councilors present during "New Business" so determine, such matters will be included on a future agenda for consideration by the Council. Debate on this topic during "New Business" shall be limited to whether the matter raised shall be included on an agenda in the future and each Councilor shall be limited to three minutes.

The above order shall not be changed except by a vote of a majority of all the members of the Council; and upon the motion to change the order, no debate shall be allowed. Additions to this order may be made by the President and/or Town Manager when setting the agenda (Examples: Committee Reports, Presentations, Updates, etc.).

Any business to be presented to the Town Council at its regular meeting for action shall be submitted in writing to the Clerk of the Council no later than 12:00 pm on the Monday preceding the regular Council meeting. The Council President may, in case of necessity, approve any additional items for inclusion in the agenda after said deadline.

Copies of the agenda and any attachments shall be delivered to the Town Council members no later than Thursday preceding the regular Council meeting.

The agenda will be prepared by the Council President, or, in his absence, the Vice President of the Council, with input from the Town Manager, and then prepared for presentation by the Clerk of the Council.

SECTION 14: MOTIONS

The order of precedence of motions shall be as follows:

1. Motion to adjourn
2. Motion to recess
3. Raise a question of privilege
4. Lay on the table
5. Suspend the rules (two-thirds vote)
6. Previous question (two-thirds vote)
7. Limit or extend limits of debate (two-thirds vote)
8. Postpone to a certain time
9. Commit or refer
10. Amend
11. Postpone indefinitely
12. Main Motion

The highest in rank being at the head of the list and the lowest in rank at the last of the list. When any one of them is immediately pending, the motions before it on the said list are in order and shall be acted upon first, and those below are out of order.

The following motions shall be non-debatable:

1. To adjourn
2. To recess (when privileged)
3. To raise a question of privilege
4. To lay on the table
5. To suspend the rules
6. Previous question (two-thirds vote)
7. To limit or to extend limits of debate (two-thirds vote)

The following motions only can be amended:

1. To recess
2. To postpone to a certain time
3. To commit or refer
4. To amend
5. Main motion

A motion to adjourn shall be in order at any time except upon immediate repetition.

SECTION 15: WRITTEN PROPOSALS, MATTERS REDUCED TO WRITING

All proposed ordinances, Orders, and Resolutions shall be in writing and shall bear the name of the sponsor. Any substitute motion or amendment shall be in writing when the presiding officer so directs or any member so requests. All substitute motions and amendments shall be written and given to the Clerk of the Council to assure accuracy of the minutes.

SECTION 16: VOICE VOTES AND RAISED HANDS

All questions shall be stated and put by the President. In case of a roll call vote, the President shall declare the result, after the Clerk has announced the number voting on each side. The results of voice votes shall be declared by the President without reference to the Clerk. Where a raised hand vote is taken, the President shall count and announce the result. Where the result of a voice vote is in doubt, the President may, and on demand of any member, shall call for a division of the Council, which shall be taken by a show of hands, or by a roll call if requested by any Councilor. It shall not be in order for members to explain their votes during the call of the roll.

SECTION 17: THROUGH THE PRESIDENT

All remarks and questions shall be addressed to the Council as a whole through the President and not to any member thereof. No person other than members of the Council and the person having the floor shall enter into discussion either directly or through a member of the Council without permission of the President.

SECTION 18: RECESS

The President may at any time, during debate or otherwise, declare a recess for not more than ten minutes, and such action shall not be subject to appeal, nor shall any motions apply thereto. Upon the request of any individual councilor such recess may also be declared by the President. Should the President deny the request, it may be appealed to the full council.

SECTION 19: ADDRESSING THE PRESIDENT

Every member speaking to a question or making a motion shall address the President as "Mr./Madame President," who shall thereupon pronounce the name of the member entitled to the floor. Members addressing the Council shall confine themselves to the question under debate and avoid personalities; nor shall there be any conversation among the members while a question is being stated, while a member is speaking, or a paper is being read. If a member is speaking or otherwise transgresses the rules of the Council, any other member may call the offending member to order by addressing the President.

SECTION 20: PRESIDENT MAY SPEAK

The President may speak in favor of, or in opposition to, any motion and will be bound by the same rules as those which are applied to other speakers; i.e., speaking once for no more than three minutes, and not to speak again until all others who wish to speak have spoken once. However, the President, as the meeting facilitator, should refrain from debate unless deemed necessary.

SECTION 21: READINGS

In General, excepting only proposed ordinances, appropriation orders and loan authorizations, the town Council may pass any other measure through all of its stages at any one meeting, provided that no member of the town Council shall object; but, if any single member, without needing to be recognized, objects to the passing of any measure on the first occasion that the question of adopting any measure is put to the

town Council for a vote, except an emergency measure as defined in Charter Section 2-9(a), a vote on the measure shall be postponed to the next meeting of the town Council.

If when the matter is next taken up for a vote, four or more members object to the taking of the vote, the matter shall be further postponed for not less than an additional five days. This procedure shall not be used more than once for any measure, notwithstanding any amendment made to the original measure.

Every proposed ordinance, appropriation order or loan authorization [except emergency ordinances as provided in Charter Section 2-9(a)], shall be placed on the Town's official website and published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least five days before its final passage. After final passage it shall be posted on the town bulletin board and otherwise published as may be required by ordinance. In lieu of publication in a local newspaper, the same may be published and made available at the office of the town clerk in booklet or pamphlet form, and if so published and available at least ten days before its final passage shall be deemed sufficient notice. Whenever the town Council provides for publication in a booklet or pamphlet form in lieu of the newspaper publication, it shall, at least five (5) days before final passage publish in a local newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained or reviewed by the public.

In General, excepting only proposed ordinances, appropriation orders and loan authorizations, the town Council may pass any other measure through all of its stages at any one meeting.

However on the first occasion that any motion is made to amend, accept or reject any measure that is before the council, except an emergency measure as defined in Charter Section 2-9(a), if a single member, the vote to amend, accept or reject the measure shall be postponed until the next regular or special meeting of the town Council. If, when the matter is next taken up for a vote to amend, accept or reject, four or more members object to the taking of the vote, the matter shall be further postponed to the next regular or special meeting of the town council. For the purposes of measures postponed twice pursuant to this paragraph, such next regular or special meeting of the town council shall not be held until at least 5 business days after the second postponement. The procedures contained in this paragraph shall not be used more than once for any measure, notwithstanding any amendment made to the original measure. Charter, Section 2-9.

Every proposed ordinance, appropriation order or loan authorization, except emergency ordinances as provided in Charter Section 2-9(a), shall be published once in full in a local newspaper, and in any additional manner as may be provided by ordinance, at least five days before its final passage. After final passage it shall be posted on the town bulletin board and otherwise published as may be required by ordinance. Provided, however, that whenever a proposed ordinance or codification of ordinances or other measure would exceed in length ten column inches, then in lieu of publication in a local newspaper, the same may be published and made available at the office of the town clerk in booklet or pamphlet form, and if so published and available at least ten days before its final passage shall be deemed sufficient notice. Whenever the town Council provides for publication in a booklet or pamphlet form in lieu of the newspaper publication, it shall, at least five (5) days before final passage, publish in a local newspaper a general summary of the proposed ordinance, or ordinances, and a notice stating the times and places at which copies of the booklet or pamphlet may be obtained or reviewed by the public. Charter, Section 2-9(c).

SECTION 22: REJECTED MEASURES

When any measure has been finally rejected by the Council, no motion embodying substantially the same subject shall be presented to the Council within six months of its previous writing for resubmission, unless resubmission is approved by a majority of the Council present, or as otherwise provided by the Charter or Massachusetts General Law.

A zoning ordinance which is voted down may not be reconsidered within two (2) years unless the Planning Board makes a recommendation to do so, [MGL Ch. 40A, Sec. 5].

SECTION 23: SPONSOR ABSENCE

In the event that the sponsoring member of any order, resolution, or other matter is not present when the Clerk reads said matter, the President shall instruct the Clerk to continue said matter for consideration at a future meeting.

SECTION 24: HEARINGS

The time devoted to public hearings at any meeting of the Town Council shall not be more than three (3) hours at any one sitting. Any hearing not completed within the specified time may be continued to another meeting. Hearings which are authorized by the order of the Council shall have precedence and shall be followed by public presentations. In all hearings before the Council, the case of the petitioner shall be first submitted, except where the President of the Council rules otherwise.

Public hearing shall include:

- General questions from public
- Public speaking in favor
- Public speaking in opposition
- Questions from Town Councilors

This format shall not apply during public hearings to consider the annual budget, when normal Council budget format is followed as stipulated in Charter Article 5.

SECTION 25: POINT OF ORDER, DECLARATION OF VOTE

The presiding officer shall preserve order and decorum, may speak to points of order in preference to members, and shall decide all questions of order subject to an appeal to the Town Council by motion, properly seconded. No other business shall be in order until the question on the appeal shall have been decided. The presiding officer shall declare all votes; but if any member doubts the vote, the presiding officer without further debate upon the question shall require the members to vote by a call of the roll, and shall then declare the result, but no such declaration shall be made unless a quorum of the Town Council shall have voted.

SECTION 26: VOTE REQUIREMENTS

Voting shall be done by Roberts Rules and passage of an order is by simple majority of those members present and voting except as otherwise provided by law.

The Council is not required to take a vote on all matters presented to it. However, the President may require that a vote be taken on any item before the Council if failure would jeopardize the Town because of a Federal or State mandate or similar circumstance.

SECTION 27: PUBLIC COMMENTS/DISCUSSIONS

During the Public Comments portion of a meeting or during the Public Comments portion of any public hearing, each person requesting to make a public comment/discussion may be recognized by the President, and shall state his/her name and address for the record. Public comment will be limited to three (3) minutes for each individual speaking.

All remarks and questions shall be addressed to the Council as a whole through the President and not to any member thereof. No person other than members of the Council and the person having the floor shall enter

into discussion either directly or through a member of the Council without permission of the presiding officer.

No councilor shall speak during public comments without being recognized by the President and no Councilor shall make public comments during this portion of the meeting or hearing.

Any person, upon entering a council meeting or hearing for the purpose of participating, viewing, listening or testifying, grants permission to the Town Council to record and televise or otherwise publish their presence and testimony.

Participants in the Public Comments portion of a meeting or hearing shall not use Public Comments:

1. To promote or oppose any candidate running for office.
2. For political purposes relating to an election.
3. To advertise for private commercial purposes or private monetary gain.
4. To make personal attacks on any resident, Town Council member or other elected or appointed Town official.

Anyone making out of order comments or acting in an unruly manner shall be subject to removal from the meeting at the call of the President.

No signs, placards or banners of any kind shall be displayed in the Council Chamber by any member of the public at any time during a meeting or hearing.

No demonstration of approval or disapproval from members of the public will be permitted (including, but not limited to cheering, clapping, booing, etc.) during any portion of a meeting or hearing unless specifically invited by the Council President, and if such demonstrations are made, the gallery or public seating area may be cleared upon the instruction of the Council President.

SECTION 28: PERSONAL PRIVILEGE

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his or her integrity, character, or motives are assailed, questioned, or impugned.

SECTION 29: MOTIONS FOR RECONSIDERATION

After a motion has been passed or defeated, any member voting with the prevailing side may move for reconsideration, which shall be open to debate. A motion to reconsider a vote shall be in order at the same meeting or as the first order of business under "Motions, Orders, and Resolutions" at the next regular meeting. No more than one (1) motion for reconsideration of any vote shall be entertained. In the case of a question decided by a tie vote, the prevailing side shall be considered to be the one in whose favor the question was decided.

SECTION 30: DEBATE DECORUM

Every member when about to speak shall address the President and wait until recognized by the President. No member shall be recognized if not seated. In speaking, the member shall be confined to the question, shall not use unbecoming, abusive, or unparliamentary language, and shall avoid personalities. Any member who, in debate, Council related correspondence or otherwise, indulges in personalities or makes charges reflecting upon the character of another member, or of residents, shall make an apology in open session at the meeting at which the offense is committed or at the next succeeding regular meeting and, failing to do so, shall be named by the President or held in contempt and suspended from further participation in debate until said apology is made.

SECTION 31: DEBATE LIMITATION

No member shall speak more than once on a question when another member who has not spoken claims the floor, and no member speaking shall, without his consent, be interrupted by another, except on a point of order. A member may speak upon a matter for no more than three (3) minutes at a time. A Councilor may yield all or part of his or her time to another Councilor. A member who has not spoken on a matter shall have priority and recognition by the President.

The Clerk of the Council shall inform the President whenever a member has spoken longer than three minutes.

SECTION 32: SPECTATOR DECORUM

Guests will be allowed in the gallery of the Council chamber when the Council is in session. No demonstrations of approval or disapproval from guests shall be permitted, and if such demonstrations are made, the gallery may be cleared, at any time, by the President.

COUNCIL COMMITTEES

SECTION 33: COMMITTEES

Committees shall be authorized by majority vote of the Council. Appointments to committees of the Council are made by the President. Appointed individuals shall receive notification of their appointment from the President prior to the public announcement of the makeup of the committee. Notice of all committee meetings must adhere to MGL C 39 § 23 A & B (Open Meeting Law). The President of the Council may not chair a standing committee and no member of the Town Council may chair more than one standing committee, unless there are more than eight standing committees. Appointments to standing committees shall be made by the President by the 2nd meeting in January. All other appointments shall be made no later than the meeting following the creation of new committee by the Council.

There shall be the following standing committees, each to consist of three (3) members designated to be appointed by the President:

- (1) Finance Committee
To deal with all matters pertaining to expenditures and matters pertaining to budget and a capital improvement plan. The Finance Committee shall hold all public hearings on the above matters, unless otherwise provided for.
- (2) Ordinance Committee
To consider the advisability and merit of any ordinance and/or ordinance changes referred to it. The Ordinance Committee shall hold all public hearings on the above matters, unless otherwise provided for.
- (3) Economic Development/Small Business/Real Estate Committee
To deal with all matters pertaining to planning redevelopment, housing, Sale of Town owned Land, Commerce, and Tax Incentives.
- (4) Human Services Committee
To deal with all matters pertaining to the Council on Aging, Veteran Services, Library, and areas under the control and /or supervision of the Recreation Commission, the Youth Committee, and all other related human services. The Human Services Committee shall hold all public hearings on the above matters, unless otherwise provided for.
- (5) Public Safety Committee

To deal with all matters pertaining to the public safety for the Town of Randolph, including actions with respect to the Police Department, Fire Department, and Department of Public Works.

SECTION 33A: OTHER COMMITTEE ASSIGNMENTS

At the second Town Council meeting in the month of January, the Council shall appoint the following positions by a majority vote:

- Representative to the Regional Veterans' Council (only in odd numbered years)
- Tri-Board and Joint Board Representative, if the President elects not to serve
- Library Trustees (2)
- Any other committee or boards whose composition includes a Councillor(s)

SECTION 34: COMMITTEE MEETINGS

A committee shall meet on the call of the Committee Chair, or a majority of its members.

SECTION 35: COMMITTEE QUORUM

A majority of the members of a committee shall constitute a quorum.

SECTION 36: COMMITTEE REPORTS

The President of the Council, upon receipt of the Committee Report, shall call for the vote on the motion, petition, or order as introduced by the Committee, so that the vote would be on that motion, petition, or order, and not on the Committee Report itself.

When debate centers around committee reports, committee members may be recognized beyond the time limit to answer questions.

Documents referred to in committee shall be included with the report when presented to the Council.

Nothing in this rule shall be construed to prohibit the introduction of minority reports.

SECTION 37: RELIEVING FROM FURTHER CONSIDERATION

Upon motion, the Council may, by a majority of Councilors voting and present, relieve a committee of further consideration of a matter referred to it and order the same placed on the agenda.

COUNCIL ADMINISTRATION

SECTION 38: CLERK OF THE COUNCIL

The Clerk of the Council (Charter Section 2-8(b)) shall attend and keep the records of all meetings of the Town Council, record the names of the members present, record all votes of the Town Council, and have the care and custody of all documents, maps, plans and papers pertaining to the proceedings of the Town Council when no other provision is made therefor. The Clerk shall, whenever requested by the presiding officer, read such ordinances, orders, resolutions, petitions, or other papers as may be presented for the information of the Town Council. In the absence of the Clerk, the Town Council shall choose a Clerk Pro Tempore who shall be sworn to the faithful performance of his duties.

SECTION 39: CONFLICTS OF INTEREST

No member shall vote on any matters, or serve on any committee, where the member's private or family interest will conflict with the public's interest in a way that violates the Conflict of Interest Law, MGL. Ch. 268A.

The Ethics Commission of the Commonwealth of Massachusetts enforces Chapter 268A -- The Conflict of Interest Law. The Conflict of Interest Law regulates and governs the conduct of all councilors as municipal public officials. All councilors shall review and fully comply with each of the law's provisions. The council president may arrange for trainings on conflict of interest laws, the open meeting law, the public records law and other topics as appropriate.

SECTION 40: OPEN MEETING LAW

The Open Meeting Law gives the public and the press a legal right to attend all meetings of regional and Town boards and committees, except when the board or committee votes to go into Executive Session.

Before the Executive Session can be called, the following procedure must be followed:

1. An open session, for which notice has been posted, must first convene.
2. The President must cite the purpose for the Executive Session, give an estimate of the length of the Executive Session, and state whether or not the Council will reconvene thereafter in open session.
3. A majority of Councilors present and voting must vote, by roll call, to go into Executive Session, and the vote must be recorded in the Council minutes.

Executive Sessions can be held only when the following matters are discussed or considered per MGL Ch. 30A, Sec. 21:

1. The reputation and character, physical condition or mental health, rather than the professional competence of an individual; individuals involved must receive written notice, forty-eight (48) hours in advance of a proposed Executive Session, unless such notice is waived;
2. Discipline or dismissal or the hearing of complaints or charges against an individual; individuals involved must receive written notice forty-eight (48) hours in advance of a proposed Executive Session, unless such notice is waived;
3. Strategy for collective bargaining, contract negotiations with non-union personnel, or litigation, where open discussion of the same may have a detrimental effect;
4. Collective Bargaining and contract negotiations with non-union personnel may be conducted in Executive Session;
5. Deployment of security personnel or devices;
6. Allegations of criminal misconduct;
7. Transactions in real property, where open discussion may have a detrimental effect on such transactions;
8. Matters required by statute or other law to be kept private;
9. Interviews by preliminary screening committees with applicants for employment if public interviews will have detrimental effect on obtaining qualified applicants.
10. Mediation concerning litigation or public business decisions provided that (a) the decision to do so is made publicly, and (b) decisions on mediation issues are made publicly.

Votes and proceedings in Executive Session may be kept private, as long as privacy will serve the purpose for which the Executive Session was called.

All votes taken in Executive Session must be by roll call.

SECTION 41: AMENDMENT AND REPEAL

None of the foregoing rules and orders shall be amended or repealed at any meeting unless a simple majority of those members present and voting consent thereto and a motion for that purpose shall not be made and acted upon at the same meeting.

SECTION 42: PROCEDURE AND POINTS OF ORDER NOT COVERED

All procedures and points of order not specifically covered in these rules shall be decided in accordance with Robert's Rules of Order current edition.

SECTION 43: SUSPENSION OF RULES

No rule or procedure of the Town Council shall be suspended unless a majority of the members present consent thereto by a roll call vote.

SECTION 44: PROHIBITIONS AS TO SEATING

No person not a member of the Town Council shall occupy or sit in a Councilor's chair while the Town Council is in session.

SECTION 45: SEATING ARRANGEMENTS

The seating arrangement for the members of the Town Council shall be determined by the President at the first meeting of a new Session.